

3743



00655-1034  
Index 979  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

GREGORY T. KOHLER et al

Serial No. 10/047,670

Filed January 15, 2003

) TANK AND CAP ASSEMBLY FOR USE  
) WITH MICROCHANNEL TUBING IN A  
) HEAT EXCHANGER  
)  
) Group Art Unit 3743  
)  
) Examiner Nihir B. Patel

# 7  
9-24-03  
NSB

RESPONSE

Mail Stop Response - No Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RECEIVED

SEP 23 2003  
TECHNOLOGY CENTER R3700

Sir:

In response to the Office Action dated August 18, 2003 (Paper No. 6),

Applicants respond as follows.

The Office Action alleges three patentably distinct species of the claimed invention as follows: Figs. 1, 2 and 3;

Fig. 4; and

Fig. 5.

37 CFR 1.8  
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Response - No Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 16, 2003.

Signature: Karen Sanderson

Name: Karen Sanderson

In response, Applicants wish to make clear that the claims are directed, generally, to a heat exchanger including a cap and a tank, with the Figures showing two embodiments of the cap 14 and three embodiments of the tank 16. More specifically, a first embodiment of the cap 14 is shown in Figs. 1, 2 and 3, and a second embodiment of the cap 14 is shown in Fig. 4, with no cap 14 being shown in Fig. 5. One embodiment of the tank 16 is shown in Figs. 2 and 3, a second embodiment of the tank 16 is shown in Fig. 4, and a third embodiment of the tank 14 is shown in Fig. 5, with Fig. 1 showing a tank 16 that could be either of the embodiments shown in Figs. 2-4. Each of the above-described embodiments of the cap 14 are compatible with each of the above-described embodiments of the tank 16.

Applicants elect the alleged species of Figs. 1, 2 and 3. Claims 1, 3-8 and 11-14 all read upon the alleged species of Figs. 1-3. Additionally, claims 9 and 10 read on the alleged species of Figs. 1-3, with the additional recitation of the features shown in Figs. 6-7, which are compatible with the embodiments of Figs. 1-3. Furthermore, claims 1, 5 and 11 are generic to all of the above-described embodiments for the cap 14 and tank 16. Additionally, Figs. 3, 4, 6 and 7 are generic to all of the above-described embodiments for the tank 16; and Fig. 12 is generic to all of the above-described embodiments of the cap 14. Applicants acknowledge that they will be entitled to consideration of claims to additional species upon the allowance of any

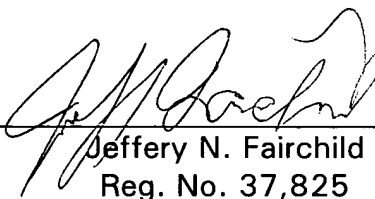
of the above-identified generic claims if the claims to additional species are written in dependent form or otherwise include all the limitations of an allowed generic claim.

In view of the foregoing, Applicants respectfully request substantive examination of the application.

Respectfully submitted,

WOOD, PHILLIPS, KATZ,  
CLARK & MORTIMER

By



Jeffery N. Fairchild  
Reg. No. 37,825

September 16, 2003

500 West Madison Street  
Suite 3800  
Chicago, IL 60661-2511  
(312) 876-1800